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**NEW JERSEY BOARD OF
SOCIAL WORK EXAMINERS**

J. Michael Walker
Executive Director

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE APPLICATION OF :

ARTHUR G. BERNSTEIN, MSW
License No. 44SC00405100

FOR REINSTATEMENT OF LICENSE TO
PRACTICE CLINICAL SOCIAL WORK
IN THE STATE OF NEW JERSEY :

Administrative Action

**CONSENT ORDER
OF REINSTATEMENT**

This matter was opened to the New Jersey State Board of Social Work Examiners (the "Board") upon receipt of respondent Arthur Bernstein's ("respondent") application for reinstatement of his license to practice clinical social work in this State. Respondent voluntarily surrendered his New Jersey license by way of a Consent Order filed with the Board on April 24, 1997 based upon findings of sexual misconduct, including an admitted sexual relationship with S.C., respondent's client. Respondent had agreed that, to be considered for reinstatement, he must submit a certification by his treating psychiatrist that he is professionally and mentally competent to practice. He had also agreed that he would not be permitted to apply for reinstatement sooner than five years

from the entry of the Consent Order. Respondent has now made application for the reinstatement of his license to practice clinical social work.

In support of his application, respondent has submitted an initial evaluation and two letters from W. Barry Gault, M.D., respondent's treating psychiatrist, who indicates generally that respondent's therapy has focused on boundary issues. Dr. Gault's final letter states that "Mr. Bernstein is both professionally and mentally competent to practice as a Clinical Social Worker" and that the doctor supports the reinstatement of respondent's license. Respondent has also submitted proof of the past due requisite continuing education credits and that he has taken and passed the ASWB clinical-level licensing examination as required for licensees who have been suspended for a period of more than five years.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board having determined that this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order;

IT IS THEREFORE ON THIS 17th DAY OF November, ~~2009~~, 2010

ORDERED THAT:

1. Respondent's license to practice clinical social work in the State of New Jersey shall be reinstated following his provision to the Executive Director of the Board proof of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

2. After respondent has completed the requirements of paragraph 1 of this Consent Order to the Board's satisfaction, respondent's license to practice clinical

social work in the State of New Jersey is shall be reinstated subject to the conditions set forth in paragraphs 3 through 6 of this Order.

3. Respondent may only work as an employee and shall not engage in the independent clinical practice of social work, nor serve as a clinical supervisor, until further Order of the Board.

4. For a minimum of twelve months from the entry of this Order, respondent's social work services shall be supervised weekly by a New Jersey licensed clinical social worker compliant with the requirements of N.J.A.C. 13:44G-8.1 and pre-approved by the Board following submission of his or her curriculum vitae to the Board. The prospective supervisor shall be provided with and return a signed copy to the Board of this Consent Order, indicating that he or she has read the Order and agrees to comply with its terms. Respondent and his supervisor shall meet face-to-face a minimum of once every week, with the exact frequency to be determined by the supervisor, to review all of respondent's cases. In addition to a review of all client progress notes, the supervision shall focus on boundary issues and the appropriate use of transference and counter-transference in therapeutic relationships. Beginning three months from the entry of this Order, the supervisor shall provide the Board with quarterly progress reports regarding supervision of respondent, including, but not limited to the boundary and transference issues. An unfavorable report may be considered a violation of this Consent Order and that quarter's time will not be counted towards the required period of supervision. In the event the supervisor becomes aware of a boundary violation by respondent, the supervisor shall notify the Board by telephone and in writing within twenty-four hours of learning of the events. After twelve months of supervision, the supervisor shall submit to the Board a comprehensive report assessing respondent's ability to resume the independent clinical

practice of social work. Supervision and quarterly reports of that supervision shall continue until further Order of the Board approving discontinuance.

5. If respondent engages in off-premise supervision as described in N.J.A.C. 13:44G-8.1(d), respondent shall provide a copy of this Consent Order to his employer, who must sign and return it to the Board, indicating that the employer has read the Order and understands the conditions under which respondent is permitted to engage in the practice of social work.

6. Respondent shall provide, within six months from the entry of this Order, proof of his compliance with the continuing education credit requirements for the 2008-2010 cycle, with board-approved courses taken between September 1, 2006 and August 31, 2008. In addition, he shall ensure his ongoing compliance with the continuing education requirements set forth in N.J.A.C. 13:44G-6.2, so that he shall have completed by August 31, 2010, the prescribed forty credit hours for the next renewal of his license.

NEW JERSEY BOARD OF SOCIAL WORK EXAMINERS

By: Doreen J. Bobby
Doreen J. Bobby, MSW, LCSW
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Arthur G. Bernstein
Arthur G. Bernstein, MSW

08/07/2009
Date